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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

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JAMES PITNER,) CASE NO. C05-1646-TSZ-MAT
Petitioner,)
v.)
ALICE PAYNE,) ORDER DENYING § 2254 PETITION
Respondent.)
)

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's answer, petitioner's response, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

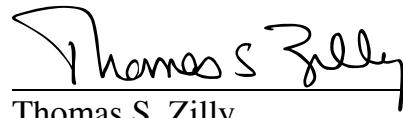
(1) The Court adopts the Report and Recommendation;
(2) Petitioner's petition for a writ of habeas corpus (Doc. #4) is DENIED with prejudice.

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01 (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for
02 respondent, and to Judge Theiler.

03 DATED this 31st day of May, 2006.

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06 Thomas S. Zilly
07 United States District Judge
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